

### **CLAIM AMENDMENTS**

This listing of claims replaces all prior versions and listings of claims in the application:

#### **Listing of Claims:**

1. **(Currently Amended)** A composition comprising
  - (a) an antimicrobial material; and
  - (b) an extract obtained from or obtainable from a plant of the Labiatae family, wherein (a) and (b) are different wherein the composition contains phenolic diterpenes in an amount of greater than 1.0 wt. %, based on the composition, and wherein the antimicrobial material consists of nisin, ~~the composition comprises carvacrol in an amount of less than 0.075 wt. % based on the composition and carvone in an amount of less than 15 wt. % based on the composition.~~
2. **(Cancelled)**
3. **(Previously Presented)** A composition according to claim 1 wherein the composition comprises carvacrol in an amount of less than 0.04 wt. % based on the composition.
4. **(Previously Presented)** A composition according to claim 3 wherein the composition comprises carvacrol in an amount of less than 0.02 wt. % based on the composition.
5. **(Previously Presented)** A composition according to claim 1 wherein the composition comprises carvone in an amount of less than 0.075 wt. % based on the composition.
6. **(Previously Presented)** A composition according to claim 5 wherein the composition comprises carvone in an amount of less than 0.04 wt. % based on the composition.
7. **(Previously Presented)** A composition according to claim 6 wherein the composition comprises carvone in an amount of less than 0.02 wt. % based on the composition.
8. **(Previously Presented)** A composition according to claim 1 wherein the composition

comprises thymol in an amount of less than 0.1 wt. % based on the composition.

9. **(Previously Presented)** A composition according to claim 8 wherein the composition comprises thymol in an amount of less than 0.075 wt. % based on the composition.

10. **(Previously Presented)** A composition according to claim 9 wherein the composition comprises thymol in an amount of less than 0.05 wt. % based on the composition.

11. **(Cancelled)**

12. **(Cancelled)**

13. **(Cancelled)**

14. **(Cancelled)**

15. **(Previously Presented)** A composition according to claim 1 wherein the plant of the Labiatae family is selected from rosemary, sage, oregano, marjoram, mint, balm, savoury, and thyme.

16. **(Previously Presented)** A composition according to claim 15 wherein the plant of the Labiatae family is selected from rosemary, sage, oregano, marjoram, mint, balm, and savoury.

17. **(Previously Presented)** A composition according to claim 16 wherein the plant of the Labiatae family is rosemary.

18. **(Previously Presented)** A composition according to claim 1 wherein the composition contains phenolic diterpenes in an amount of is greater than 2.0 wt. %, based on the composition.

19. **(Previously Presented)** A composition according to claim 18 wherein the composition

contains phenolic diterpenes in an amount of is greater than 3.0 wt. %, based on the composition.

20. **(Previously Presented)** A composition according to claim 19 wherein the composition contains phenolic diterpenes in an amount of is greater than 3.5 wt. %, based on the composition.

21. **(Previously Presented)** A composition according to claim 18 wherein the phenolic diterpene is selected from carnosic acid, carnosol, methylcarnosic acid and mixtures thereof.

22. **(Previously Presented)** A composition according to claim 1 wherein the extract comprises or is selected from phenolic diterpenes, phenolic triterpenes and rosmarinic acid.

23. **(Previously Presented)** A composition according to claim 22 wherein the extract comprises a phenolic triterpene.

24. **(Previously Presented)** A composition according to claim 23 wherein the amount of phenolic triterpenes, based on the composition, is greater than 3.5 wt. %.

25. **(Previously Presented)** A composition according to claim 24 wherein the phenolic triterpene is selected from betulinic acid, oleanolic acid, and ursolic acid.

26. **(Previously Presented)** A composition according to claim 22 wherein the extract comprises a rosmarinic acid.

27. **(Previously Presented)** A composition according to claim 26 wherein the amount of rosmarinic acid, based on the composition, is greater than 3.5 wt. %.

28. **(Previously Presented)** A composition according to claim 22 wherein the combined amount of phenolic diterpenes, phenolic triterpenes and rosmarinic acid, based on the composition, is greater than 3.5 wt. %.

29. **(Previously Presented)** A composition according to claim 1 wherein the extract contains flavour-inducing compounds and/or essential oils in an amount of less than 1 wt. % based on the composition.

30. **(Previously Presented)** A composition according to claim 29 wherein the extract contains essential oils in an amount of less than 1 wt. % based on the composition.

31. **(Previously Presented)** A composition according to claim 1 wherein the antimicrobial material and/or the extract are present in an amount to provide a microbicidal or microbiostatic effect.

32. **(Previously Presented)** A composition according to claim 31 wherein the antimicrobial material and the extract are present in an amount to provide a microbicidal or microbiostatic effect.

33. **(Previously Presented)** A composition according to claim 32 wherein the antimicrobial material and the extract are present in an amount to provide a microbicidal or microbiostatic synergistic effect.

34. **(Previously Presented)** A composition according to claim 33 wherein the antimicrobial material and the extract are present in an amount to provide a microbicidal synergistic effect.

35. **(Previously Presented)** A composition according to claim 31 wherein the microbicidal or microbiostatic effect is a bactericidal or bacteriostatic effect.

36. **(Original)** A composition according to claim 35 wherein the bactericidal or bacteriostatic effect is in respect of Gram-positive bacteria.

37. **(Cancelled)**

**38. (Cancelled)**

**39. (Previously Presented)** A composition according to claim 1 wherein the composition is a foodstuff.

**40. (Previously Presented)** A composition according to claim 1 wherein the composition is a protectant composition suitable for addition to a foodstuff.

**41. (Previously Presented)** A composition according to claim 39 wherein the foodstuff is selected from raw meat, cooked meat, raw poultry products, cooked poultry products, raw seafood products, cooked seafood products, ready to eat meals, pasta sauces, pasteurised soups, mayonnaise, salad dressings, oil-in-water emulsions, margarines, low fat spreads, water-in-oil emulsions, dairy products, cheese spreads, processed cheese, dairy desserts, flavoured milks, cream, fermented milk products, cheese, butter, condensed milk products, ice cream mixes, soya products, pasteurised liquid egg, bakery products, confectionery products, fruit products, and foods with fat-based or water-containing fillings.

**42. (Previously Presented)** A composition according to claim 1 wherein the composition further comprises an emulsifier.

**43. (Original)** A composition according to claim 42 wherein the emulsifier is selected from polysorbates, monoglycerides, diglycerides, acetic acid esters of mono-diglycerides, tartaric acid esters of mono-diglycerides and citric acid esters of mono-diglycerides.

**44. (Previously Presented)** A composition according to claim 1 wherein the composition further comprises a chelator.

**45. (Original)** A composition according to claim 44 wherein the chelator is selected from EDTA, citric acid, monophosphates, diphosphates, triphosphates and polyphosphates.

46. **(Previously Presented)** A composition according to claim 44 wherein the chelator enhances the antimicrobial activity and/or antimicrobial spectrum of the antimicrobial material.

47. **(Previously Presented)** A composition according to claim 46 wherein the chelator enhances the antimicrobial activity and/or antimicrobial spectrum of the antimicrobial material in respect of Gram-negative bacteria.

48. **(Previously Presented)** A composition according to claim 1 wherein the composition further comprises a lytic enzyme.

49. **(Original)** A composition according to claim 48 wherein the lytic enzyme is a lysozyme.

50. **(Original)** A composition according to claim 1 comprising (a) an antimicrobial material, wherein the antimicrobial material is nisin; and (b) an extract obtained from a plant of the Labiatae family, wherein the extract is a phenolic triterpene selected from betulinic acid, oleanolic acid or ursolic acid wherein the antimicrobial material and the extract are present in an amount to provide a bactericidal or bacteriostatic synergistic effect.

51. **(Original)** A composition according to claim 1 comprising (a) an antimicrobial material, wherein the antimicrobial material is nisin; and (b) an extract obtained from a plant of the Labiatae family, wherein the extract is rosmarinic acid, wherein the antimicrobial material and the extract are present in an amount to provide a bactericidal or bacteriostatic synergistic effect.

Claims 52-62. **(Cancelled)**

63. **(Currently Amended)** A kit for preparing a composition as defined in any one of claims 1, 3-10 or 15 to 51, the kit comprising (a) an antimicrobial material; and (b) an extract obtained from or obtainable from a plant of the Labiatae family, wherein (a) and (b) are different in separate packages or containers; optionally with instructions for admixture and/or contacting and/or use.

Claims 64-67. (Cancelled)

68. (Currently Amended) A foodstuff comprising a composition as defined in any of claims 1, 3-10 or 15 to 51.

69. (Previously Presented) A foodstuff having a phenolic diterpene content of greater than, or about, 0.00084 % w/w and a nisin content of greater than, or about, 25 IU/ml or 25 IU/g.

70. (Previously Presented) A foodstuff according to claim 69 having a phenolic diterpene content of greater than about 0.00084 % w/w and a nisin content of from about 25 IU/g to about 500 IU/g.

71. (Previously Presented) A foodstuff according to claim 69 having a phenolic diterpene content of greater than, or about, 0.0012% w/w and a nisin content of greater than, or about, 25 IU/ml or 25 IU/g.

72. (Previously Presented) A foodstuff according to claim 71 having a phenolic diterpene content of greater than, or about, 0.0012% w/w and a nisin content of from about 25 IU/g to about 500 IU/g.

73. (Previously Presented) A foodstuff according to claim 71 having a phenolic diterpene content of greater than, or about, 0.0012% w/w and a nisin content of greater than, or about, 50 IU/ml or 50 IU/g.

74. (Previously Presented) A foodstuff according to claim 73 having a phenolic diterpene content of greater than, or about, 0.0012% w/w and a nisin content of from about 50 IU/g to about 400 IU/g.

75. **(Previously Presented)** A foodstuff according to claim 73 having a phenolic diterpene content of greater than, or about, 0.0024% w/w and a nisin content of greater than, or about, 50 IU/ml or 50 IU/g.

76. **(Previously Presented)** A foodstuff according to claim 75 having a phenolic diterpene content of greater than, or about, 0.0024% w/w and a nisin content of from about 50 IU/g to about 400 IU/g.

77. **(Previously Presented)** A foodstuff according to claim 75 having a phenolic diterpene content of greater than, or about, 0.0024% w/w and a nisin content of greater than, or about, 100 IU/ml or 100 IU/g.

78. **(New)** The composition of claim 1 further comprising carvacrol in an amount of less than 0.075 wt. % based on the composition and carvone in an amount of less than 15 wt. % based on the composition.